

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JEFFREY RICHARDSON, JACKIE
RICHARDSON, ASHLEY SMITH,
and JENNIFER THOMAS,
individually and as the parent
and best friend of minors
JT and JT,

Plaintiffs,

v.

SAMUEL TEFERA TESIS, LINAT
LOGISTICS, LLC, BALDEV SINGH,
and TOOR FREIGHTLINES, INC.

Defendants.

ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION TO
EXTEND TIME FOR SERVICE OF SUMMONS

On March 9, 2023, the plaintiffs filed a lawsuit in the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis. (ECF No. 1.) On March 24, 2023, defendants Baldev Singh and Toor Freightlines, Inc. filed a notice of removal to the United States District Court. (Id.) The plaintiffs named Samuel Tefera Tesisa individually as a defendant but have failed to locate and serve him. On April 26, 2023, the served parties consented to jurisdiction of the magistrate judge, and the case was referred to the undersigned to conduct all proceedings and order the entry of a final judgment. (ECF No. 17.)

On August 4, 2023, the court issued summons as to Tesisa, but he has still not been served. (ECF No. 31.)

On October 19, 2023, the undersigned entered an order to show cause why the court should not dismiss Tesisa for failure to timely serve him. (ECF No. 38.) The plaintiffs responded on October 23, 2023, and requested a sixty-day extension to serve Tesisa. (ECF No. 41.) The undersigned granted the extension and gave the plaintiffs until Friday, December 22, 2023, to serve Tesisa. (ECF No. 43.)

On December 21, 2023, the plaintiffs filed the present motion requesting an additional 120 days to serve Tesisa. (ECF No. 50.) The plaintiffs argue that Tesisa's "highly mobile lifestyle creates difficulty in the task of locating and serving Tesisa, necessitating 'catching him at home' whenever that may be." (Id. at PageID 177.) The defendants object to the extension, arguing that the plaintiffs have prejudiced the defendants by delaying the case and have not provided any new information indicating that the plaintiffs can locate and serve Tesisa. (ECF No. 52 at PageID 185.)

This case has been pending in federal court since March 2023, and the undersigned has previously granted an extension of time for the plaintiffs to serve Tesisa in this case. An additional 120 days that the plaintiffs request prejudices the defendants. However, the undersigned finds that a final extension of time is warranted, and the plaintiffs have until February 10, 2024, to

serve Tesisa. If Tesisa is not served by February 10, 2024, then he will be dismissed for failure to serve.

IT IS SO ORDERED.

s/Tu M. Pham

TU M. PHAM

Chief United States Magistrate Judge

December 27, 2023

Date